

[Counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Stewart O’Nan, et al.,

Individual and Representative Plaintiffs,

v.

Databricks, Inc., Mosaic ML, Inc.,

Defendants.

Case No. 3:24-cv-01451-CRB

**JOINT STIPULATION AND [PROPOSED]
ORDER CONSOLIDATING CASES**

Judge: Hon. Charles R. Breyer
Complaint Filed: March 8, 2024
Trial Date: n/a

Rebecca Makkai, et al.,

Individual and Representative Plaintiffs,

v.

Databricks, Inc., Mosaic ML, Inc.,

Defendants.

Case No. 3:24-cv-02653-CRB

RELATED CASE

Judge: Hon. Charles R. Breyer
Complaint Filed: May 2, 2024
Trial Date: n/a

Pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 3-12(a), Plaintiffs Stewart O’Nan, Abdi Nazemian, Brian Keene, Rebecca Makkai, Jason Reynolds and Defendants Databricks, Inc. and Mosaic ML, LLC, formerly Mosaic ML, Inc., jointly request that the above captioned actions (the “Actions”) be related and consolidated for all pretrial and trial proceedings. The parties, by and through their undersigned counsel, stipulate as follows:

1. WHEREAS, Plaintiffs Stewart O’Nan, Abdi Nazemian, and Brian Keene filed a Complaint on March 8, 2024 against Defendants Databricks, Inc. and Mosaic ML, Inc. in *O’Nan, et al. v. Databricks Inc., et al.*, Case No. 3:24-cv-01451-CRB (N.D. Cal. March 8, 2024) (the “*O’Nan Action*”) (*O’Nan Dkt. No. 1*);

2. WHEREAS, on May 2, 2024, Plaintiffs Rebecca Makkai and Jason Reynolds filed a Complaint against Defendants Databricks, Inc. and Mosaic ML, Inc. in *Makkai, et al., v. Databricks, Inc., et al.*, Case No. 3:24-cv-02653-CRB (N.D. Cal. May 2, 2024) (the “*Makkai Action*”) (*Makkai Dkt. No. 1*);

3. WHEREAS, on May 8, 2024, Plaintiffs filed an Administrative Motion to Consider Whether Cases Should be Related seeking to relate the *Makkai Action* to the *O’Nan Action* (*O’Nan Dkt. No. 40*);

4. WHEREAS, on May 13, 2024, this Court granted the motion and related the *Makkai Action* to the *O’Nan Action* (*O’Nan Dkt. No. 45*; *Makkai Dkt. No. 19*);

5. WHEREAS, on May 15, 2024 and May 21, 2024, Plaintiffs in the *O’Nan Action* met and conferred with Defendants pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and subsequently served Defendants with written discovery;

6. WHEREAS, Plaintiffs for the *O’Nan Action* and *Makkai Action* have operated collaboratively in negotiations with Defendants regarding Rule 26(f) obligations and discovery;

7. WHEREAS, on November 12, 2024, Defendants filed a motion to consolidate the *O’Nan Action* and the *Makkai Action*. *See O’Nan Dkt. No. 55*;

8. WHEREAS, the parties agree that consolidation of the Actions will advance the just and efficient progress of this litigation, reduce case duplication, conserve Court time and resources, avoid the

1 need to contact parties and witnesses for multiple proceedings, and minimize the expenditure of time and
2 money for all parties involved. *See* Fed. R. Civ. P. 42(a);

3 9. WHEREAS, the parties agree that discovery is open in the *O’Nan* Action and the *Makkai*
4 Action and will not be affected by consolidation;

5 10. WHEREAS, the parties have conferred and agreed that going forward, the *O’Nan* Action
6 and the *Makkai* Action shall be consolidated for all purposes under Federal Rule of Civil Procedure 42(a);
7

8 NOW THEREFORE, the parties, through their undersigned counsel, hereby stipulate and agree
9 that, subject to the approval of the Court,

10 1. the *O’Nan* Action and the *Makkai* Action shall be consolidated for all purposes under
11 Federal Rule of Civil Procedure 42(a); and

12 2. the *O’Nan* and *Makkai* Actions shall be maintained under Master File Case No. 3:24-cv-
13 01451-CRB (the “Consolidated Action”); and

14 3. Defendants’ motion to consolidate the *O’Nan* and *Makkai* Actions (*O’Nan* Dkt. 55) is
15 denied as moot; and

16 4. Plaintiffs’ counsel shall file a proposal for the appointment of interim lead counsel by
17 December 27, 2024.

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19 Dated: December 2, 2024

Respectfully submitted,

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21 By: /s/ Joseph R. Saveri
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1 Dated: December 2, 2024

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23 *in the Makkai Action*

1 Dated: December 2, 2024

Respectfully Submitted,

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27 *Databricks, Inc. and Mosaic ML, LLC,*
28 *formerly Mosaic ML, Inc.*

[PROPOSED] ORDER

PURSUANT TO JOINT STIPULATION, IT IS SO ORDERED.

Dated: _____

The Honorable Charles R. Breyer
U.S. District Court Judge

ATTESTATION PURSUANT TO CIVIL L.R. 5-1

The filer attests that the other signatories listed, on whose behalf the filing is also submitted, are registered CM/ECF filers and concur in the filing's content and have authorized the filing.

Dated: December 2, 2024

/s/ Bryan L. Clobes
Bryan L. Clobes